



[Handwritten signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Terry L. Riss et al.

LUMINOGENIC AND NONLUMINOGENIC MULTIPLEX ASSAY

Docket No.: 341.029US1
Filed: January 22, 2004
Examiner: Paul Martin

Serial No.: 10/762,836
Due Date: N/A
Group Art Unit: 1655

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ Return postcard.
- ☒ Supplemental Information Disclosure Statement (2 pgs.), Form 1449 (2 pgs.), and copies of 28 cited documents.

If not provided for in a separate paper filed herewith, Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

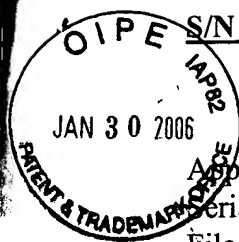
By: *[Signature]*
Atty: Janet E. Embretson
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of January, 2006.

JAMES KAUYOSIK
Name

[Signature]
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)



S/N 10/762,836

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Terry L. Riss et al.

Examiner: Paul Martin

Serial No.: 10/762,836

Group Art Unit: 1655

Filed: January 22, 2004

Docket: 341.029US1

Title: LUMINOGENIC AND NONLUMINOGENIC MULTIPLEX ASSAY

INFORMATION DISCLOSURE STATEMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 *et. seq.*, the enclosed materials are brought to the attention of the Examiner for consideration in connection with the above-identified patent application. Applicant respectfully requests that this Information Disclosure Statement be entered and the documents listed on the attached Form 1449 be considered by the Examiner and made of record. Pursuant to the provisions of MPEP 609, Applicant requests that a copy of the 1449 form, initialed as being considered by the Examiner, be returned to the Applicant with the next official communication.

Pursuant to 37 C.F.R. §1.97(b), it is believed that no fee or statement is required with the Information Disclosure Statement. However, if an Office Action on the merits has been mailed, the Commissioner is hereby authorized to charge the required fees to Deposit Account No. 19-0743 in order to have this Information Disclosure Statement considered.

INFORMATION DISCLOSURE STATEMENT

Serial No :10/762,836

Filing Date: January 22, 2004

Title: LUMINOGENIC AND NONLUMINOGENIC MULTIPLEX ASSAY

Page 2

Dkt: 341.029US1

Pursuant to 37 C.F.R. 1.98(a)(2), Applicant believes that copies of cited U.S. Patents and Published Applications are no longer required to be provided to the Office. Notification of this change was provided in the United States Patent and Trademark Office OG Notices dated October 12, 2004. Thus, Applicant has not included copies of any U.S. Patents or the Published Application cited with this submission. Should the Office require copies to be provided, Applicant respectfully requests that notice of such requirement be directed to Applicant's below-signed representative. Applicant acknowledges the requirement to submit copies of foreign patent documents and non-patent literature in accordance with 37 C.F.R. 1.98(a)(2).

The Examiner is invited to contact the Applicant's Representative at the below-listed telephone number if there are any questions regarding this communication.

Respectfully submitted,

TERRY L. RISS ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6959

Date

January 26, 2006

By

Janet E. Embretson
Reg. No. 39,665

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of January, 2006.

Name

JAMES KAUSIK

Signature

James Kausik

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/762,836
Filing Date	January 22, 2004
First Named Inventor	Riss, Terry
Group Art Unit	1655
Examiner Name	Paul Martin

Attorney Docket No: 341.029US1

US PATENT DOCUMENTS

Examiner Initial *	USP Document Number	Publication Date	Name of Patentee or Applicant of cited Document	Filing Date If Appropriate
	US-2002/0119500 A1	08/29/2002	Xue, Q. , et al.	08/08/2001
	US-5,744,320	04/28/1998	Sherf, B. A., et al.	06/07/1995
	US-6,586,196	07/01/2003	Bronstein, I. , et al.	12/14/1999

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Foreign Document No	Publication Date	Name of Patentee or Applicant of cited Document	T ²
	WO-00/36098A1	06/22/2000	Bronstein, I. , et al.	
	WO-00/50630A2	08/31/2000	Colyer, J., et al.	
	WO-02/12547A1	02/14/2002	Xue, Qifeng, et al.	
	WO-03/066611A1	08/14/2003	O'Brian, M., et al.	
	WO-2005/073722A2	08/11/2005	Riss, T. L., et al.	

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		"Apoptosis: Annexin V & Propidium Iodide - Freedom to Discover", <u>Acumen Bioscience Ltd.</u> , (Prior to January 20, 2004), 2 pgs.	
		"Beadlyte® Multiplex Assay Systems", <u>Product Guide, Upstate Cell Signalling Solutions</u> , (2002), 12 pgs.	
		"Caspase-Glo™ 3/7 Assay", <u>Technical Bulletin No. 323, Promega Corporation</u> , (May, 2003), 13 pgs.	
		"Cell Cytotoxicity - Freedom to Discover", <u>Acumen Bioscience Ltd.</u> , (Prior to January 20, 2004), 2 pgs.	
		"Cell Proliferation - Freedom to Discover", <u>Acumen Bioscience Ltd.</u> , (Prior to January 22, 2004), 2 pgs.	
		"CellTiter-Blue™ Cell Viability Assay", <u>Technical Bulletin No. 317, Promega Corporation</u> , (December, 2002), 12 pgs.	
		"CellTiter-Glo™ Luminescent Cell Viability Assay", <u>Technical Bulletin No. 288, Promega Corporation</u> , (May, 2001), 11 pgs.	
		"CytoTox-ONE™ Homogeneous Membrane Integrity Assay", <u>Technical Bulletin No. 306, Promega Corporation</u> , (May, 2003), 13 pgs.	
		"Dual-Light® Luminescent Report Gene Assay for Luciferase and Beta-Galactosidase", <u>Data Sheet, Applied Biosystems</u> , (2000), 2 pgs.	
		"Multiplex Antibody Kits Custom Software & Hardware for Luminex™ - Antibody Bead and Buffer Kits for Luminex™", <u>MiraiBio Inc.</u> , (Prior to January 20, 2004), 2 pgs.	

EXAMINER

DATE CONSIDERED

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/762,836
Filing Date	January 22, 2004
First Named Inventor	Riss, Terry
Group Art Unit	1655
Examiner Name	Paul Martin

Sheet 2 of 2

Attorney Docket No: 341.029US1

OTHER DOCUMENTS -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		BRONSTEIN, I., et al., "Combined Luminescent Assays for Multiple Enzymes", <u>Bioluminescence and Chemiluminescence: Molecular Reporting With Photons</u> , (International Symposium Proceedings), (1997), 451-457	
		DAMOUR, MARC, et al., "Non-Radioactive Multiplex Kinase Activity Assay Using Beadlyte® Suspension Microarrays", (Prior to January 20, 2004), 1 pg.	
		DE JAGER, WILCO, et al., "Simultaneous Detection of 15 Human Cytokines in a Single Sample of Stimulated Peripheral Blood Mononuclear Cells", <u>Clinical and Diagnostic Laboratory Immunology</u> , 10(1), (2003), 133-139	
		DYER, BENJAMIN, et al., "A Noncommercial Dual Luciferase Enzyme Assay System for Report Gene Analysis", <u>Analytical Biochemistry</u> , 282, (2000), 158-161	
		FARFAN, ABIGAIL, et al., "Frequently Asked Questions Cytotox-One™ Homogeneous Membrane Integrity Assay", <u>Cell Notes</u> , Issue 6, (2003), 19-20	
		LIU, JINGXUE, et al., "Visualizing and Quantifying Protein Secretion Using a <i>Renilla</i> Luciferase-GFP Fusion Protein", <u>Luminescence</u> , 15, (2000), 45-49	
		MARTIN, CHRIS S., "Dual Luminescence-Based Reporter Gene Assay for Luciferase and β -Galactosidase", <u>BioTechniques</u> , 21(3), (1996), 520-524	
		NOLKRANTZ, KERSTIN, et al., "Functional Screening of Intracellular Proteins in Single Cells and in Patterned Cell Arrays Using Electroporation", <u>Analytical Chemistry</u> , 74(16), (2002), 4300-4305	
		QAZI, SAARA, et al., "A Novel Dual Reporter Assay for Studying Intracellular Bacterial Pathogens", <u>Luminescence</u> , 17, (Abstract Only), XIth International Symposium on Bioluminescence and Chemiluminescence, (2002), pg. 106	
		SÖHNLEIN, PETRA, et al., "Fast and Flexible Setup of Homogeneous Protein Assays Employing 6xHis-Tag Technology - High Sensitivity and Signal-to-Noise Ratios", (Qiagen® LiquiChip™), (Published prior to January 20, 2004), 13 pgs.	
		TIMIRYASOVA, T. M., et al., "Visualization of Vaccinia Virus Infection Using the <i>Renilla</i> -Luciferase-GFP Fusion Protein", <u>Bioluminescence and Chemiluminescence</u> , (11th International Proceedings), (2001), 457-460	
		WANG, Y., et al., "The <i>Renilla</i> Luciferase-Modified GFP Fusion Protein is Functional in Transformed Cells", <u>Bioluminescence and Chemiluminescence: Molecular Reporting with Photons</u> , (Symposium Proceedings), (1997), 419-422	
		YU, YONG A., et al., "Inducible Gene Expression <i>in vivo</i> Using a <i>Renilla</i> Luciferase - GFP Fusion Construct", <u>Bioluminescence and Chemiluminescence</u> , (11th International Symposium Proceedings), (2000), 465-468	

EXAMINER**DATE CONSIDERED**

Substitute Disclosure Statement Form (PTO-1449)

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional) ² Applicant is to place a check mark here if English language Translation is attached